

NO. 7187 P. 14  
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### REMARKS

Upon entry of this amendment, claims 1-7 and 14-20 are all the claims pending in the application. Claims 8-13 have been canceled by this amendment, and claims 14-20 have been added. No new matter has been added

Applicants note that a number of minor changes have been made to the specification for grammatical and general readability purposes. No new matter has been added.

#### **I. Claim Rejections under 35 U.S.C. §103(a)**

Claims 1-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lu (U.S. 2002/0157115) in view of Tsurumi (U.S. 6,714,262) and Sadanaka (U.S. 6,751,197).

Claim 1, as amended, recites the feature of a second controller for: when it is detected by said device detector that said security device is mounted in said receiver, (1) extracting transmission information from the SI information extracted by said security device, the SI information being transmitted with the FDC data, and (2) receiving the broadcasting signal based on the extracted transmission information; and when it is detected by said device detector that said security device is not mounted in said receiver, (1) controlling said first tuner, said first demodulator, and said first controller, so as to change at least one of the demodulation mode for the broadcasting signal and the frequency of the broadcasting signal, and to retrieve a broadcasting channel on which the transmission information on the broadcasting signal is transmitted, (2) receiving the broadcasting signal on said retrieved broadcasting channel, (3) when said synchronization judgment unit judges that said first demodulator is synchronized with the broadcasting signal, extracting the transmission information on the broadcasting channel

from the broadcasting signal demodulated by said first demodulator, and (4) receiving the broadcasting signal based on the extracted transmission information on the broadcasting signal.

In other words, according to amended claim 1, the manner in which the transmission information is obtained depends on whether or not the security device is mounted in the receiver. In particular, as is evident from the above-noted feature recited in claim 1, if the security device is mounted in the receiver, then the transmission information is extracted from the SI information extracted by the security device, and if the security device is not mounted in the receiver, then the transmission information is extracted on the broadcasting channel from the broadcasting signal demodulated by the first demodulator.

Applicants respectfully submit that the applied prior art references, either alone or in combination, do not teach, suggest or otherwise render obvious the above-noted feature recited in amended claim 1.

In particular, regarding Lu, Applicants note that this reference discloses a digital cable set-top box 150 that is able to have mounted therein a removable POD module 300 (see paragraph [0036] and Fig. 3). As explained in Lu, a POD module typically includes circuitry capable of performing conditional access and security functions which allow selective access to basic digital cable services (see paragraph [0027]).

As described with reference to Fig. 3 of Lu, an RF tuner 205 of the set-top box 150 receives a spectrum of RF signals from a cable provider, and is tuned to a signal selected by the cable subscriber using a remote control (see paragraph [0038]). As shown in Fig. 4, the output of tuner 205 is demodulated by demodulation circuit 210 and is transmitted to an INB interface 265

of the POD module 300 (see paragraph [0038]).

In the POD module 300, a transport processing, filtering and routing circuitry 250 decodes encrypted digital baseband streams that are output from the INB interface 265, and produces a decoded MPEG digital data stream which is then routed back to a demultiplexer 225 of the set-top box 150 (see paragraph [0041]). The demultiplexed MPEG data streams are then sent to an MPEG video processing system 230 which generates a conventional television signal that is sent to a television set 105 (see paragraph [0041]).

Based on the foregoing description of Lu, Applicants note that while Lu discloses the use of a set-top box having a removable POD module 300 which is used for performing access and security functions, that Lu does not disclose or in any way suggest the above-noted features recited in claim 1 drawn to the manner in which transmission information is obtained being dependent upon whether or not the security device is mounted in the receiver.

In particular, Applicants respectfully submit that Lu does not disclose or suggest the above-noted feature of a second controller for: when it is detected by said device detector that said security device is mounted in said receiver, (1) extracting transmission information from the SI information extracted by said security device, the SI information being transmitted with the FDC data, and (2) receiving the broadcasting signal based on the extracted transmission information; and when it is detected by said device detector that said security device is not mounted in said receiver, (1) controlling said first tuner, said first demodulator, and said first controller, so as to change at least one of the demodulation mode for the broadcasting signal and the frequency of the broadcasting signal, and to retrieve a broadcasting channel on which the

transmission information on the broadcasting signal is transmitted, (2) receiving the broadcasting signal on said retrieved broadcasting channel, (3) when said synchronization judgment unit judges that said first demodulator is synchronized with the broadcasting signal, extracting the transmission information on the broadcasting channel from the broadcasting signal demodulated by said first demodulator, and (4) receiving the broadcasting signal based on the extracted transmission information on the broadcasting signal, as recited in amended claim 1.

Moreover, regarding Tsurumi and Sadanaka, Applicants respectfully submit that these references do not cure the above-noted deficiencies of Lu. Accordingly, as the cited prior art references do not disclose, suggest or otherwise render obvious at least the above-noted features recited in amended claim 1, Applicants submit that claim 1 is allowable over the cited prior art, an indication of which is kindly requested.

In addition, as noted above, claim 1 recites that when it is detected by said device detector that said security device is not mounted in said receiver, (1) controlling said first tuner, said first demodulator, and said first controller, so as to change at least one of the demodulation mode for the broadcasting signal and the frequency of the broadcasting signal, and to retrieve a broadcasting channel on which the transmission information on the broadcasting signal is transmitted.

With respect to the above-noted feature, Applicants note that the Examiner has indicated in the Office Action that Sadanaka discloses the ability for a demodulator 22 to selectively switch a demodulation mode to either QPSK demodulation or BPSK demodulation (see col. 4, lines 29-32), and that it would have been obvious to include such functionality in Lu in order to reduce

the costs of manufacture (see Office Action at page 5).

Regarding this position taken by the Examiner, Applicants note that while the demodulator 22 of Sadanaka is able to switch between two different types of demodulation, that this switching is in no way whatsoever related to the detection of whether or not a security device is present in a receiver. In this regard, as noted above, claim 1 indicates that when it is detected by said device detector that said security device is not mounted in said receiver, (1) controlling said first tuner, said first demodulator, and said first controller, so as to change at least one of the demodulation mode for the broadcasting signal and the frequency of the broadcasting signal.

Thus, Applicants submit that even if Lu and Sadanaka were combined, that there is simply no reason that one of ordinary skill in the art would have included the functionality of Sadanaka (i.e., the switching of demodulation modes) in the device of Lu when it is detected that the POD device of Lu is not mounted in the set top box. Instead, such a combination would, at best, result in the demodulator 210 of Lu having the ability to switch between different demodulation modes.

Furthermore, Applicants note that the Examiner's alleged reason for combining Sadanaka with Lu, namely, to reduce the costs of manufacture, is respectfully traversed. There is no evidence that such a combination would result in reduced manufacturing costs, and the Examiner has not provided any reason or explanation as to why or how such a combination would result in reduced manufacturing costs. If the Examiner is relying on personal knowledge by making such a statement, which appears to be the case, then as explained in MPEP 2144.03(C), and as set forth in 37 CFR 1.104(d)(2), when a rejection is based on facts within the personal knowledge of

the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner setting forth specific factual statements and explanation to support the finding.

Therefore, because the Examiner appears to be relying on facts within the Examiner's personal knowledge in making this rejection, Applicant respectfully requests that the Examiner provide an affidavit in support thereof in accordance with 37 C.F.R. 1.104(d)(2).

Further, Applicants note that claim 1 has also been amended to recite the features of a second tuner for controlling a frequency of the received broadcasting signal to select a channel of a predetermined control signal; and a second demodulator for demodulating the control signal of the channel selected by said second tuner and outputting FDC (Forward Data Channel) data. Regarding such features, Applicants respectfully submit that none of the cited prior art references disclose or suggest such features.

For example, regarding Lu, Applicants note that while this reference discloses a tuner 205 and demodulator 210, that Lu does not disclose or in any way suggest the use of a second tuner and a second demodulator, as recited in amended claim 1. In addition, Applicants respectfully submit that neither Tsurumi nor Sadanaka cures this deficiency of Lu.

In view of the foregoing, Applicants respectfully submit that the cited prior art references do not teach, suggest or otherwise render obvious at least the above-noted features recited in claim 1. Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claims 2-7, Applicants note that these claims depend from claim 1 and are

therefore considered patentable at least by virtue of their dependency.

## II. New Claims

Applicants note that claims 14-20 have been added as new claims.

Regarding claim 14, Applicants note that this claim recites similar features as discussed above with respect to claim 1. In particular, claim 14 recites the feature of a second controller for: when it is detected by said device detector that the security device is mounted in said receiver, (1) extracting transmission information from the SI information extracted by the security device, the SI information being transmitted with the FDC data, and (2) receiving the broadcasting signal based on the extracted transmission information; and when it is detected by said device detector that the security device is not mounted in said receiver, (1) controlling said first tuner, said first demodulator, and said first controller, so as to change at least one of the demodulation mode for the broadcasting signal and the frequency of the broadcasting signal, and to retrieve a broadcasting channel on which the transmission information on the broadcasting signal is transmitted, (2) receiving the broadcasting signal on said retrieved broadcasting channel, (3) when said synchronization judgment unit judges that said first demodulator is synchronized with the broadcasting signal, extracting the transmission information on the broadcasting channel from the broadcasting signal demodulated by said first demodulator, and (4) receiving the broadcasting signal based on the extracted transmission information on the broadcasting signal.

For at least similar reasons as discussed above with respect to claim 1, Applicants respectfully submit that the cited prior art references do not disclose, suggest or otherwise render

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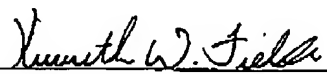
obvious such features. Accordingly, Applicants submit that claim 14 is patentable over the cited prior art, an indication of which is kindly requested. Claims 15-20 depend from claim 14 and are therefore considered patentable at least by virtue of their dependency.

### III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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